

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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SHARON GADSON,

Index # _____/19

Plaintiffs, The Plaintiff designates New
York County as the place of trial.

- against -

The basis of venue is CPLR §
504(3) - the County in which the
cause of action arose.

CITY OF NEW YORK, N.Y.C. ADMINISTRATION FOR
CHILDRENS' SERVICES (formerly BUREAU OF
CHILD WELFARE), GEORGE LOTT, and MARY LOTT,

S U M M O N S

Defendants.

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Plaintiff's resides at 3357
Radcliff Avenue, Apartment 1
Bronx, New York 10469

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the complaint is not served with the Summons, to serve a notice of appearance, on the Plaintiff's attorney, within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
October 10, 2019

Yours, etc.,



Sameer Nath, Esq.
SILVER & KELMACHTER, LLP
Attorneys for Plaintiff
11 Park Place, Suite 1503
New York, New York 10007
(212) 661-8400

TO:

DEFENDANTS' ADDRESSES:

CITY OF NEW YORK
100 Church Street
New York, New York 10007

ADMINISTRATION FOR CHILDREN'S SERVICES
(formerly BUREAU OF CHILD WELFARE)
100 Church Street
New York, New York 10007

GEORGE LOTT
47 North Ronald Drive
Amityville, New York 11701

MARY LOTT
47 North Ronald Drive
Amityville, New York 11701

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
SHARON GADSON,

Index # _____/19

Plaintiffs,

- against -

VERIFIED COMPLAINT

CITY OF NEW YORK, N.Y.C. ADMINISTRATION FOR
CHILDRENS' SERVICES (formerly BUREAU OF
CHILD WELFARE), GEORGE LOTT, and MARY LOTT,

Defendants.
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The plaintiff SHARON GADSON, by her attorneys, Silver and Kelmachter, LLP, as and for her Verified Complaint against the defendants, CITY OF NEW YORK, N.Y.C. ADMINISTRATION FOR CHILDRENS' SERVICES (formerly BUREAU OF CHILD WELFARE) (hereinafter "B.C.W."), GEORGE LOTT, and MARY LOTT, does allege as follows upon information and belief:

1. That the plaintiff SHARON GADSON is a resident of Bronx, New York.
2. That including and between November of 1964 and July of 1969, when the acts complained-of herein occurred, the plaintiff SHARON GADSON was a minor and below the legal age to give consent to sexual activity pursuant to N.Y.S. Penal Law § 130.05.
3. That following the occurrence of the acts and omissions complained-of herein, and at the time of the commencement of this action, the plaintiff SHARON GADSON has attained the age of majority.
4. That this action is being filed in compliance with the timeframe of

CPLR § 208(b), CPLR § 214(f), CPLR § 214(g) and 2019 N.Y. ALS 11, 2019 N.Y. Laws 11, 2019 N.Y. Ch. 11, 2019 N.Y. SB 2440 (“The Child Victims Act”), and in accordance with the rules implemented by the Clerk of This Court.

5. That at all times herein mentioned the defendant CITY OF NEW YORK was and still is a municipal corporation, duly organized and existing under the laws of the State of New York.

6. That at all times herein mentioned the defendant N.Y.C. ADMINISTRATION FOR CHILDRENS’ SERVICES (formerly BUREAU OF CHILD WELFARE) (hereinafter “B.C.W.”), was and still is a wholly-owned department or subsidiary of the defendant CITY OF NEW YORK and which was owned, operated, managed, maintained and controlled by the defendant CITY OF NEW YORK.

7. That the defendants GEORGE LOTT and MARY LOTT were agents, servants and/or employees of the defendant CITY OF NEW YORK.

8. That the defendants GEORGE LOTT and MARY LOTT owned, operated, managed, maintained and controlled a foster home facility located at or about 47 North Ronald Drive in the Village of Amityville, in Suffolk County, New York.

9. That upon information and belief, in August of 1959, the defendants THE CITY OF NEW YORK and B.C.W. assumed custody, care and control over the plaintiff SHARON GADSON *in loco parentis*.

10. That in November of 1964, the defendants CITY OF NEW YORK and B.C.W. placed the plaintiff SHARON GADSON with foster parents, defendants GEORGE LOTT and MARY LOTT at the aforesaid foster home facility located at or about 47 North Ronald Drive in the Village of Amityville, in Suffolk County, New York.

AS AND FOR A FIRST CAUSE OF ACTION
AGAINST THE DEFENDANTS,
THE PLAINTIFF SHARON GADSON DOES ALLEGE AS FOLLOWS:

11. The plaintiff incorporates, repeats and re-alleges all of the allegations contained in Paragraphs "1" through "10" with full force and effect as if set forth at length herein.

12. That the defendants CITY OF NEW YORK and B.C.W. through their agents, servants and/or employees had a duty to ensure that foster home facilities including the aforesaid facility located at or about 47 North Ronald Drive in the Village of Amityville, in Suffolk County, New York into which the children in their charge were placed including the plaintiff SHARON GADSON were reasonably safe and suitable.

13. That the defendants CITY OF NEW YORK and B.C.W. through their agents, servants and/or employees had an ongoing duty to ensure that foster parents including defendants GEORGE LOTT and MARY LOTT, to whose charge they entrusted the aforesaid children and the plaintiff, were reasonably safe, competent and suitable foster parents.

14. That the defendants CITY OF NEW YORK and B.C.W. had an ongoing, non-delegable duty to continue monitoring, supervising, inspecting, assessing and otherwise caring for the minors in their charge including the plaintiff SHARON GADSON on a one to one basis for the duration that they were in foster homes into which the defendants CITY OF NEW YORK and B.C.W. placed them.

15. That the defendants CITY OF NEW YORK, and B.C.W. through their agents, servants, and/or employees, breached their duties of care to the plaintiff SHARON GADSON to place her into a reasonably safe and suitable foster home on account of the fact that the plaintiff was subjected to sexual misconduct, assault, and battery by the defendants GEORGE LOTT and MARY LOTT and the defendants CITY OF NEW YORK and B.C.W. failed to take reasonable and necessary steps to implement and enforce necessary procedures

to maintain her safety.

16. That the defendants CITY OF NEW YORK, and B.C.W. through their agents, servants, and/or employees, breached their duties of care to the plaintiff SHARON GADSON to place her with reasonably suitable foster parents on account of the fact that the defendants GOERGE LOTT and MARY LOTT subjected the plaintiff SHARON GADSON to sexual misconduct, assault, and battery, after she had been placed into their foster home facility by the defendants CITY OF NEW YORK and B.C.W., who failed to take reasonable and necessary steps to implement and enforce necessary procedures to maintain her safety.

17. That including and between November of 1964 and July of 1969, when the acts complained-of herein occurred, upon information and belief, the defendants CITY OF NEW YORK, and B.C.W., failed to interview, assess, inspect or otherwise check on the welfare of the plaintiff SHARON GADSON to ensure she was not being harmed, sexually abused, assaulted, battered or otherwise mistreated by the defendants GEORGE LOTT and MARY LOTT; the aforesaid failures enabled the tortious conduct to occur and continue.

18. As a result of the above negligent conduct and omissions on the part of the defendants CITY OF NEW YORK, and B.C.W., the plaintiff SHARON GADSON was caused to be subjected to sexual assault, battery and sexual misconduct by the defendants GEORGE LOTT and MARY LOTT while the plaintiff was a minor in the defendants' charge.

19. As a result of the above negligence on the part of the defendants CITY OF NEW YORK and B.C.W., the plaintiff SHARON GADSON was caused to suffer severe and painful personal injuries, emotional distress, sexual misconduct, pain, suffering, and mental anguish all of a permanent nature.

20. That the damages sought under this cause of action exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action.

AS AND FOR A SECOND CAUSE OF ACTION
AGAINST THE DEFENDANTS,
THE PLAINTIFF SHARON GADSON DOES ALLEGE AS FOLLOWS:

21. The plaintiff incorporates, repeats and re-alleges all of the allegations contained in Paragraphs "1" through "20" with full force and effect as if set forth at length herein.

22. That including and between November of 1964 and July of 1969, when the acts complained-of herein occurred, the defendants CITY OF NEW YORK and B.C.W. by their duly authorized employees, agents and/or servants were negligent in their screening, accrediting, hiring, training, retaining, and supervision of their employees, agents and servants, including the defendants GEORGE LOTT and MARY LOTT, and were careless, unskillful, negligent, reckless, and failed to act upon GEORGE LOTT and MARY LOTT's unfitness to care for the children placed into their foster home including the plaintiff SHARON GADSON.

23. That the defendants CITY OF NEW YORK and B.C.W. by their duly authorized agents, employees, and/or staff, knew or reasonably should have known of the reckless, abusive, and pedophilic activities of its agents, servants and employees, the defendants GEORGE LOTT and MARY LOTT based on prior complaints, observations, conversations, and instances of misconduct but chose instead to ignore their dangerous and abusive behavior, and the signs and evidence thereof.

24. That the defendants CITY OF NEW YORK and B.C.W. by their agents, servants and/or employees were negligent and failed to implement and adhere to prevailing management practices and protocols in failing to properly hire, screen, supervise, monitor, oversee, train and instruct the defendants GEORGE LOTT and MARY LOTT both of whom had contact with minors, and further ignored or failed to appreciate the signs and evidence of improper, dangerous and sexually abusive conduct by the defendants GEORGE

LOTT and MARY LOTT, and failed to act upon prior notice(s) of their misconduct, all to the damage and detriment of the plaintiff.

25. That the defendants CITY OF NEW YORK and B.C.W. caused or permitted the aforesaid assault, battery, sexual abuse and sexual misconduct to occur because of their failure to properly hire, screen, supervise, monitor, oversee, train and instruct and manage the defendants GEORGE LOTT and MARY LOTT who were their agents, servants and/or employees.

26. That the defendants CITY OF NEW YORK and B.C.W. negligently and recklessly failed to act on prior notice, or were willfully blind to the fact that their employees, agents, servants, the defendants GEORGE LOTT and MARY LOTT into whose care they entrusted the plaintiff SHARON GADSON were engaging in improper sexual conduct with minors, by negligently concealing, misrepresenting said notice, or by carelessly retaining them despite the fact the defendants knew or reasonably should have known that the defendants GEORGE LOTT and MARY LOTT were committing abusive acts toward the plaintiff and other minors in their charge.

27. As a result of the defendants CITY OF NEW YORK and B.C.W.'s aforesaid negligent hiring, screening, supervising, monitoring, overseeing, training, instructing and managing, their failure to act upon prior notice, and their concealment and ignoring of the signs and indications of sexual misconduct, the plaintiff SHARON GADSON was caused to suffer severe and painful personal injuries, sexual misconduct, emotional distress, mental anguish, extended disability, and other losses.

28. That the damages sought under this cause of action exceeds the limits of all lower courts which would otherwise have jurisdiction over this action.

AS AND FOR A THIRD CAUSE OF ACTION
AGAINST THE DEFENDANTS,
THE PLAINTIFF SHARON GADSON DOES ALLEGE AS FOLLOWS:

29. The plaintiff incorporates, repeats and re-alleges all of the allegations contained in Paragraphs "1" through "28" with full force and effect as if set forth at length herein.

30. That including and between November of 1964 and July of 1969, when the acts complained-of herein occurred, the plaintiff SHARON GADSON while in the aforesaid foster home into which she was placed by the defendants CITY OF NEW YORK and B.C.W., was subjected to acts of repeated sexual misconduct, sexual abuse, assaults, and battery by the defendants GEORGE LOTT and MARY LOTT.

31. That the defendants CITY OF NEW YORK and B.C.W. are responsible for their employees, agents, and servants GEORGE LOTT and MARY LOTT's acts and misconduct under the doctrine of *respondeat superior*, and also because of their negligent failure to monitor and supervise their employees GEORGE LOTT and MARY LOTT, and because of their disregard of the signs, notice and indications of the aforementioned ongoing sexual abuse and repeated sexual assaults of the plaintiff SHARON GADSON, and for failing to implement, monitor, and enforce guidelines of proper conduct regarding foster parents. The defendants CITY OF NEW YORK and B.C.W. actively concealed or were recklessly indifferent to the aforementioned ongoing sexual abuse and sexual assaults.

32. That the foregoing sexual misconduct and abuse to which the plaintiff was subjected as a result of the negligence and recklessness of the defendants CITY OF NEW YORK and B.C.W. constituted assault and battery which caused the plaintiff to sustain severe injuries, emotional distress, pain and suffering, sexual abuse, sexual misconduct, and mental

anguish.

33. That the damages sought under this cause of action exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action.

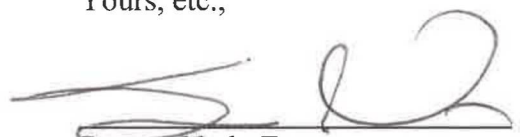
CPLR Article 16 Allegations:

34. That the defendants are not entitled to avail themselves of the limited liability provisions of CPLR Article 16, as a consequence of the exclusions set forth in CPLR sections 1602 (2)(iv), 1602 (5), 1602 (7) and 1602 (11).

WHEREFORE, the Plaintiff SHARON GADSON demands a judgment(s) against the defendants, both jointly and separately, based upon all of the causes of action set forth herein, together with the costs and disbursements of this action in an amount which exceeds the jurisdictional limitations of all lower courts which might otherwise have jurisdiction over this action.

Dated: New York, New York
October 10, 2019

Yours, etc.,

A handwritten signature in dark ink, appearing to read 'Sameer Nath', is written over a horizontal line.

Sameer Nath, Esq.
SILVER & KELMACHTER, LLP
Attorneys for Plaintiff
11 Park Place, Suite 1503
New York, New York 10007
(212) 661-8400


ATTORNEY VERIFICATION

SAMEER NATH, ESQ., an attorney at law, does affirm as follows under the penalties of perjury:

That your affirmant is the attorney for the Plaintiff in the within action; that affirmant has read the foregoing **SUMMONS AND COMPLAINT** and knows the contents thereof; that same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes them to be true and the reason that this verification is not made by the Plaintiff and is made by affirmant is that the Plaintiff does not presently reside in the county where the attorney for the Plaintiff maintains his office, such that the verification can be made by an attorney as per CPLR 3020(d)(3).

Affirmant further says that the source of affirmant's information and the grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are from medical records and from investigation made on behalf of said Plaintiff.

Dated: New York, New York
September 10, 2019



SAMEER NATH, ESQ.